

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAUL ROSARIO, :
 :
Plaintiff, :
 :
-against- :
 :
COMMISSIONER OF SOCIAL SECURITY, :
 :
Defendant. :
----- x

09 Civ. 9315 (WHP) (AJP)

SCHEDULING ORDER IN
SOCIAL SECURITY CASE

ANDREW J. PECK, United States Magistrate Judge:

A complaint having been filed as of November 9, 2009,

IT IS HEREBY ORDERED that

1. Defendant is directed to answer the complaint and serve a motion for judgment on the pleadings by February 19, 2010.
2. Plaintiff's opposition papers shall be served by March 12, 2010.
3. Defendant's reply papers shall be served and filed by March 19, 2010.
4. Should plaintiff require any procedural assistance, plaintiff is directed to contact this Court's Pro Se office at (212) 805-0175.
5. Should plaintiff fail to oppose defendant's motion, the Court will grant the motion by default.

6. The parties are directed to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which is enclosed.

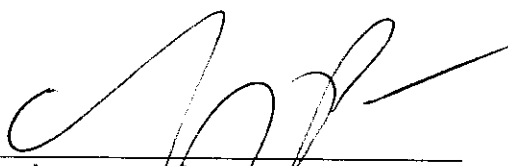
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The parties shall advise the Court as to whether they jointly consent to decision of this action by a United States Magistrate Judge (that is, the undersigned), pursuant to the enclosed forms and explanations. If both parties consent, they should complete counterparts of the forms and return them to my chambers. If either or both parties do not consent, the Assistant United States Attorney shall act as liaison and report to chambers that the parties do not consent, without indicating any particular party's consent or non-consent. (In other words, the Court does not want to know that party A consents and party B does not). This Order is not meant to in any way interfere with the parties' absolute right to decision by a United States District Judge (Judge Pauley), but is merely an attempt at preserving scarce judicial resources and reminding the parties of their option pursuant to 28 U.S.C. § 636(c).

The Assistant United States Attorney is to notify the Court by no later than February 19, 2010.

SO ORDERED.

DATED: New York, New York
January 5, 2010


Andrew J. Peck
United States Magistrate Judge

Copies to: Raul Rosario (Regular & Certified Mail)
United States Attorney's Office, S.D.N.Y.
Judge William H. Pauley III